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*Attorneys for Defendants Merrill Lynch,
Pierce, Fenner & Smith Inc., et al.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABDULLAH BYANOONI,
individually and on behalf of a class
and subclass of similarly situated
individuals,

Plaintiff,

v.

MERRILL LYNCH, PIERCE,
FENNER & SMITH; BANK OF
AMERICA CORPORATION; and
DOES 1 through 10, inclusive,

Defendants.

Case No.: 3:12-cv-05270-RS

CLASS ACTION

NOTICE RE: JOINT MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

DATE: JULY 31, 2014

TIME: 1:30 P.M.

COURTROOM: 3

HON. RICHARD SEEBORG

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on **July 31, 2014**, at **1:30 p.m.** or as soon
 3 thereafter as the matter may be heard in **Courtroom 3** of the above-captioned
 4 Court, located at 450 Golden Gate Avenue, San Francisco, CA 94102, Plaintiff
 5 Abdullah Byanooni (“Plaintiff”) and Defendants Merrill Lynch, Pierce, Fenner &
 6 Smith Inc. (“Merrill Lynch”) and Bank of America Corporation (collectively,
 7 “Defendants”) hereby jointly move the Court pursuant to Federal Rule of Civil
 8 Procedure 23 for preliminary approval of the Parties’ Class Action Settlement.

9 Specifically, through this Motion, the parties move jointly for certification of
 10 a settlement class; appointment of class counsel and class representatives;
 11 preliminary approval of the parties’ proposed settlement; and approval of the
 12 parties’ proposed plan to provide notice to the class. This Motion is made on the
 13 following grounds:

- 14 1. The proposed Class satisfies the requirements of Rule 23 for
 15 conditional certification for settlement purposes only;
- 16 2. The proposed settlement is the product of non-collusive negotiations
 17 and is fundamentally fair, reasonable and adequate, and hence,
 18 warrants preliminary approval.

19 This Motion is based on the accompanying Memorandum of Points and
 20 Authorities, the exhibits attached thereto, all pleadings and papers on file in this
 21 action and upon such other matters as the Court deems proper.

22 Dated: June 26, 2014

Respectfully submitted,

23 ORSHANSKY & YEREMIAN LLP

24
 25 By: /s/ Anthony J. Orshansky
 26 ANTHONY J. ORSHANSKY, ESQ.
 27 ATTORNEY FOR PLAINTIFF BYANOONI, ET AL.
 28

1 Dated: June 26, 2014

REED SMITH LLP

2
3 By: /s/ Ashley Shively

4 ASHLEY SHIVELY, ESQ.

5 ATTORNEY FOR DEFENDANTS

MERRILL LYNCH, PIERCE, FENNER & SMITH INC., ET AL.

6
7 [ADDITIONAL COUNSEL]

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